

Dated: \_\_\_\_\_

(PATENT)



~~Confidential~~ In re Patent Application of:

Confirmation No.: 6414

Art Unit: N/A

Examiner: Not Yet Assigned

**ATTN: SHAKEEL AHMED**

MS PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

A Notification of Missing Requirements under 35 USC §371 dated December 20, 2004 stated that the English translation of the International Application (PCT/JP03/04795) is defective for containing a different number of claims than in the International Application.

03/09/2005 SAHMED1 00000008 10541949 The English translation contains seven claims and the International Application contains  
01 FC:1618 130.00 OP five claims. During the preparation of the English translation and a preliminary amendment that  
was filed on October 18, 2004 along with the English translation, claims 6 and 7 were inadvertently  
added in the English translation as original claims. Claims 1-5 are the original claims. Claims 6

Adjustment date: 03/09/2005 SAHMED1  
02/25/2005 MKARRAGH were added in the preliminary amendment but were mistakenly labeled as  
01 FC:1617 -130.00 OP

"original" in the preliminary amendment.

02/25/2005 MKAYPAGH 00000062 10511919

01 FC:1617 130.00 GP

Therefore, to cure the defect of the current English translation, Applicants respectfully request that page 14 of the English translation be replaced with a substitute page 14 (Attachment A), which has no claims 6 and 7. The only difference between the original page 14 and the substituted page 14 is the absence of claims 6 and 7 from the latter. No new matter has been introduced.

A complete copy of the English translation with the new page 14 is also enclosed (Attachment B). Only claims 6 and 7 have been taken out in the new copy and no other changes have been made. No new matter has been added.

A second preliminary amendment is filed at the same time as this response to indicate claims 6 and 7 as new claims for the national stage application.

Thus, Applicants believe that with this response, the defect of the English translation has been cured to preserve the priority and to go forward with the national stage.

If there are any problems with this response, it will be greatly appreciated if you would directly call the Applicants' attorney, Chris Mizumoto, Darby & Darby, at (212) 527-7659.

The Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 04-0100.

Dated: February 17, 2005

Respectfully submitted,

By 

Chris T. Mizumoto

Registration No.: 42,899

DARBY & DARBY P.C.

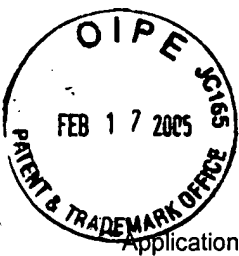
P.O. Box 5257

New York, New York 10150-5257

(212) 527-7700

(212) 527-7701 (Fax)

Attorneys/Agents For Applicant



#4

Application No. (if known): 10/511,919

Attorney Docket No.: 09867/0201967-US0

## Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. \_\_\_\_\_ in an envelope addressed to:

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on February 17, 2005  
\_\_\_\_\_  
Date

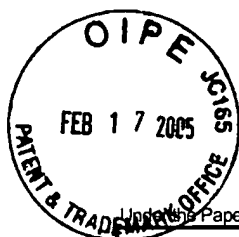
Signature

Typed or printed name of person signing Certificate

\_\_\_\_\_  
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**Note:** Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Amendment Transmittal (1 pg.);  
Response to Notification of Missing Requirements Under 35 U.S.C. 371  
with Attachments A and B; (20 pgs);  
Copy of Notification of Missing Requirements (2 pgs.);  
Certificate of Express Mailing (1 pg.);  
Fee Transmittal (1 pg.);  
Check for \$130.00;  
and Return Receipt Postcard



PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)		Application Number	10/511,919-Conf. #6414
		Filing Date	October 18, 2004
		First Named Inventor	Takashi Yamaguchi
		Art Unit	N/A
		Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission	27	Attorney Docket Number	09867/0201967-US0

## ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below): Amendment Transmittal (1 pg.); Response to Notification of Missing Requirements Under 35 U.S.C. 371 with Attachments A and B; (20 pgs); Copy of Notification of Missing Requirements (2 pgs.); Certificate of Express Mailing (1 pg.); Fee Transmittal (1 pg.); Check for \$130.00; and Return Receipt Postcard
<b>Remarks</b>		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	DARBY & DARBY P.C.		
Signature			
Printed name	Chris T. Mizumoto		
Date	February 17, 2005	Reg. No.	42,899

Express Mail Label No.

Dated: \_\_\_\_\_



Effective on 12/08/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

## FEE TRANSMITTAL For FY 2005

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 130.00

### Complete if Known

Application Number	10/511,919-Conf. #6414
Filing Date	October 18, 2004
First Named Inventor	Takashi Yamaguchi
Examiner Name	Not Yet Assigned
Art Unit	N/A
Attorney Docket No.	09867/0201967-USO

### METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_

☐ Deposit Account Deposit Account Number: 04-0100 Deposit Account Name: Darby & Darby P.C.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

### FEE CALCULATION

#### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

#### 2. EXCESS CLAIM FEES

##### Fee Description

	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims
7	- 20 =	x	=	Fee (\$) Fee Paid (\$)

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
1	- 3 =	x	=

#### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/50	(round up to a whole number) x	=	

#### 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount) 130.00

Other (e.g., late filing surcharge):

#### SUBMITTED BY

Signature	Registration No. 42,899	Telephone (212) 527-7700
Name (Print/Type) Chris T. Mizumoto	(Attorney/Agent)	Date February 17, 2005

Express Mail Label No.

Dated: \_\_\_\_\_

# AMENDMENT TRANSMITTAL LETTER

10 / 511919  
Docket No.  
09867/0201967-US0

Application No. 10/511,919-Conf. #6414	Filing Date October 18, 2004	Examiner Not Yet Assigned	Art Unit N/A
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Applicant(s): Takashi Yamaguchi

Invention: AUTOMOBILE MODEL

## TO THE COMMISSIONER FOR PATENTS

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED					
	Claims Remaining After Amendment	Highest Number Previously Paid	Number Extra Claims Present	Rate	
Total Claims	7	- 20 =		x	
Independent Claims	1	- 3 =		x	
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					
Other fee (please specify):					
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:					0.00

☒ Large Entity

☐ Small Entity

☒ No additional fee is required for this amendment.

☐ Please charge Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_.  
A duplicate copy of this sheet is enclosed.

☐ A check in the amount of \$ \_\_\_\_\_ to cover the filing fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☒ The Director is hereby authorized to charge and credit Deposit Account No. 04-0100  
as described below. A duplicate copy of this sheet is enclosed.

☒ Credit any overpayment.

☒ Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.

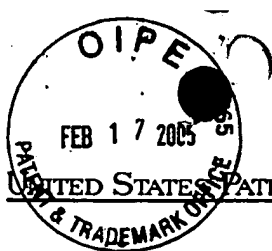
Chris T. Mizumoto  
Attorney Reg. No.: 42,899

DARBY & DARBY P.C.  
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New York, New York 10150-5257  
(212) 527-7783

Dated: February 17, 2005

Express Mail Label No.

Dated: \_\_\_\_\_



02-18-05

Page 1 of 2

PCT \$

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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Alexandria, Virginia 22313-1450  
www.uspto.gov

Mami Hasegawa

U.S. APPLICATION NUMBER NO. 10/511,919	FIRST NAMED APPLICANT Takashi Yamaguchi	ATTY. DOCKET NO. 09867/0201967/USO
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INTERNATIONAL APPLICATION NO.
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PCT/JP03/04795

07278

DARBY &amp; DARBY P.C.

P. O. BOX 5257

NEW YORK, NY 10150-5257

DUE: February 20, 2005

Docketed on 12/28/04 for

IA FILING DATE 04/16/2003	PRIORITY DATE 04/18/2002
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Docketed without file ☐

CONFIRMATION NO. 6414

Attorney

371 FORMALITIES LETTER



\*OC000000014792523\*

Date Mailed: 12/20/2004

7-20-05  
**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 10/18/2004
- English Translation of the IA filed on 10/18/2004
- Copy of the International Search Report filed on 10/18/2004
- Copy of IPE Report filed on 10/18/2004
- Preliminary Amendments filed on 10/18/2004
- Information Disclosure Statements filed on 10/18/2004
- Oath or Declaration filed on 12/07/2004
- U.S. Basic National Fees filed on 10/18/2004
- Assignment filed on 12/07/2004
- Priority Documents filed on 10/18/2004
- Power of Attorney filed on 12/07/2004

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Translation of the application into English. The current translation of the application into English is defective as described below. Note a processing fee will be required if submitted later than 30 months from the priority date.
  - The number of claims in the International Application and the number of claims in the translation are not the same.
- Processing fee for providing the translation of the application and/or the Annexes later than 30 months from the priority date (37 CFR 1.492(f)).

SUMMARY OF FEES DUE:

BEST AVAILABLE COPY

Additional fees required for this application is \$130 for a Large Entity:

✓ \$130 for English translation surcharge required.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

SHAKEEL AHMED

Telephone: (703) 305-3659

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/511,919	PCT/JP03/04795	09867/0201967/USO

FORM PCT/DO/EO/905 (371 Formalities Notice)